

Remarks:

Reconsideration of this application in view of the above-identified amendments and following remarks is respectfully requested. Claims 15-18, 23-25, and 28 are currently pending. Claims 1-14, 19, 20-22, 26, 27 and 29 have been cancelled. Claims 15 and 28 have been currently amended. Claims 15-18, 23-25, and 28 stand clear of the prior art, but have been newly rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In order to obviate this rejection, Applicant has amended the Specification to include certain express language found (and therefore fully disclosed) in the parent priority application (namely, U.S. Provisional Application No. 60/471,477 filed May 17, 2003). No new matter has been added.

More specifically, the Examiner has taken the position that the phrase "simultaneously foaming and thermoforming the partially desorbed plasticized thermoplastic material" lacks support in the instant disclosure and that appropriate correction is required. To this end, Applicant notes that the parent priority application (namely, U.S. Provisional Application No. 60/471,477 filed May 17, 2003) at page 22, lines 24-26 and at page 23, lines 14-17 read as follows:

For example, advantages of this new method include the following:

2. Improved detail due to a combined thermoforming-foaming operation. This combined operation allows a small percentage of the foaming (2% to 30%) to take place during contact with the thermoforming die which will create better detail by filling in the die details.

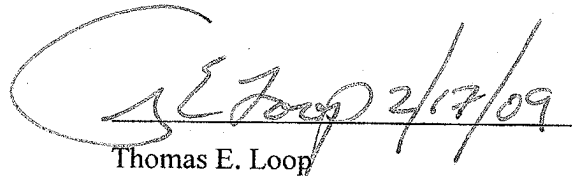
In view of this express disclosure found in the parent priority application, Applicant has amended the present Specification to include a new paragraph [0056.1] that reads as follows:

[0056.1] An advantage of this new method includes, among other things, improved detail due to a combined thermoforming-foaming operation. This combined operation allows a small percentage of the foaming (2% to 30%) to take place during contact with the thermoforming die which will create better detail by filling in the die details.

Concomitantly, Applicant has also amended Claims 15 and 28 to recite a combined "thermoforming-foaming" step in lieu of the objectionable step of "simultaneously foaming and thermoforming." In so doing, Applicant respectfully submits that the presently claimed invention satisfies the written description requirement set forth in 35 U.S.C. § 112, first paragraph.

In view of the above remarks and claim amendment Applicant respectfully requests that all of the Examiner's rejections be withdrawn and that claims 15-18, 23-25 and 28 be promptly allowed. A good faith effort has been made to place this application in condition for allowance. If any further matter requires attention prior to allowance, the Examiner is respectfully requested to contact the undersigned attorney at (206) 568-3100 to resolve the same.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'T. E. Loop', is written over a horizontal line. To the right of the signature, the date '2/17/09' is handwritten.

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